

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00347

COUNSEL: [REDACTED]

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He receive a medical retirement and awarded the Distinguished Flying Cross (DFC).

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The BCMR Medical Consultant reviewed this application and states the applicant was not eligible for disability retirement since laws in effect at the time of his discharge specifically denied retirement eligibility for enlisted personnel who had less than 20 years active military service. Therefore, the BCMR Medical Consultant is of the opinion that no change in the records is warranted and recommends the applicant's request for a medical retirement be denied.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Recognition Programs Branch, AFPC/DPPRA, reviewed this application and states the applicant has not provided any

official documentation to substantiate any of his claims. Therefore, they recommend denial of his request to be awarded the DFC.

A complete copy of the Air Force evaluation is attached at Exhibit D.

The Chief, Physical Disability Division, AFPC/DPPD, reviewed this application and states the applicant has not submitted any material or documentation to show that he was improperly rated or otherwise improperly processed at the time of his discharge. Therefore, they recommend denial of his request for a medical retirement.

A complete copy of the Air Force evaluation is attached at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Complete copies of the Air Force evaluations were forwarded to the applicant on 25 August 1997, for review and response. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered

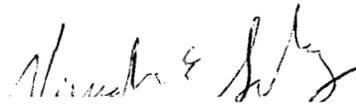
upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 29 October 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair
Mr. Loren S. Perlstein, Member
Mr. Terry A. Yonkers, Member
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 24 Apr 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, BCMR Medical Consultant, dated 9 May 97.
- Exhibit D. Letter, AFPC/DPPRA, dated 22 May 97.
- Exhibit E. Letter, AFPC/DPPD, dated 6 Aug 97.
- Exhibit F. Letter, AFBCMR, dated 25 Aug 97.



VAUGHN E. SCHLUNZ
Panel Chair